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 VENTANA MEDICAL SYSTEMS, INC.

UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 SAN JOSE DIVISION

BIOGENEX LABORATORIES, INC.,

Plaintiff,

v.

VENTANA MEDICAL SYSTEMS, INC.,

Defendant.

CASE NO. C03-03916-JF

**STIPULATION TO STAY PENDING  
 ACTIONS AND [PROPOSED] ORDER  
 THEREON**

CASE NO. C05-0860-JF

BIOGENEX LABORATORIES, INC.,

Plaintiff,

v.

VENTANA MEDICAL SYSTEMS, INC.,

Defendant.

1 WHEREAS, the parties have resumed settlement negotiations and are exploring a global  
2 settlement of all pending litigation between them;

3  
4 WHEREAS, the parties believe it is in their best interest to focus their resources and  
5 energies toward attempting to resolve their disputes and, in view of the resources that may be  
6 expended in the instant litigation with respect to Patent Local Rules disclosures and preparation  
7 for a tutorial and *Markman* hearing, believe that a brief stay of the instant cases will facilitate  
8 such negotiations;

9  
10 WHEREAS, a stay may also provide greater clarity with respect to the status of the  
11 ongoing reissue proceedings for the '598 patent;

12  
13 IT IS HEREBY STIPULATED, subject to the approval of this Court:

14  
15 1. This case is stayed for 60 days from the date of this order, and the dates for Patent  
16 Local Rules disclosures (Docket No. 80) and the tutorial/claim construction hearing (Docket No.  
17 84) are hereby vacated.

18  
19 2. If the parties have not reached a definitive agreement to settle this case in the 60  
20 day period, within two weeks thereafter, the parties shall submit a Joint Proposed Scheduling  
21 Order, setting forth proposed dates for Patent Local Rules disclosures and the tutorial/claim  
22 construction hearing. Such proposed dates shall be approximately 60 days from those presently  
23 scheduled, taking into account reasonable scheduling accommodations as may be necessary.

24  
25 Dated: August 30, 2006

STRADLING Yocca CARLSON RAUTH, A.P.C.

26 By:   
27 Paul L. Gale, Attorneys for Plaintiff  
28 BIOGENEX LABORATORIES, INC.

1 Dated: August 30, 2006

WILSON SONSINI GOODRICH & ROSATI, A.P.C.

2  
3 By: 

Roger J. Chin, Attorneys for Defendant  
VENTANA MEDICAL SYSTEMS, INC.

4  
5 **ORDER**

6 PURSUANT TO STIPULATION, IT IS SO ORDERED

7 Dated: 11/8/06

  
HONORABLE JEREMY FOGEL  
UNITED STATES DISTRICT JUDGE